C.S.100/ 1

SINGLE BENCH

(3)

In the Honble High Court of Chhattishgarh at Bilaspur (C.G.)

W.P. No. 2814 2006

Petitioner ..... N.R.Mandloi (Nekram) aged 43 years, Son of Late Shri Shiv charan
Assistant Teacher, Govt. Middle School,
Village Somatola, Block Mohala,
District Rajnandgaon C.G.

P.R. No. 2886/06
Presented R.S.Shrivastava
dated 15/6/06

VERSUS

Respondent ... ...1. The State Government of Chhattishgarh,
Through the Secretary,
Tribal Welfare Department Ministry,
D.K.S. Bhavan, Raipur (C.G.)

RE- VTD-COPY

CLERK to BILASPUR 14/6/06

2. The Principal,
Govt. Higher Secondary School,
Village Somatola, District – Rajnandgaon(C.G)

Writ petition under articles 226/227 of the Constitution of India for issuance of writ in the nature of MANDAMUS, Certiorari, Prohibition and other suitable WRIT or writs, Order or orders, Direction or directions.

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 2812 of 2006

Petitioner : Rameshwar Singh Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. No. 2814 of 2006

Petitioner : N.R. Mandloi (Nekram)

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. No. 2815 of 2006

Petitioner : Janki Dhurve

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 3361 of 2005

Petitioner : Shrimati Sangita Dixit

Versus

Respondents : State Govt. of Madhya Pradesh (Now Chhattisgarh) & others

W. P.(S)No. 3505 of 2005

Petitioners : Smt. Shraddha Agrawal & another

Versus

Respondents : State Govt. of Chhattisgarh & others

W. P.(S)No. 3873 of 2005

Petitioners : Ku. Nisha Gupta and others

Versus

Respondents : State Govt. of Chhattisgarh & others

W. P.(S)No. 4146 of 2005

Petitioner : Smt. Kanchhani Agrawal

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4158 of 2005

Petitioner : Anil Kumar Prasad

Versus

Respondents : The State Govt. of Chhattisgarh & another

38

W. P.(S)No. 4163 of 2005

Petitioner : Smt. Sadhna Yadav

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4165 of 2005

Petitioner : Smt. Anita Rajput

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4178 of 2005

Petitioner : Mukesh Ram Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4209 of 2005

Petitioner : Smt. Padma Thakur

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4306 of 2005

Petitioner : Ku. Pratibha Bhardwaj

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4333 of 2005

Petitioner : Ram Prasad Sao

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4335 of 2005

Petitioner : Johan Ram Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4337 of 2005

Petitioner : Manharanlal Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

39

W. P.(S)No. 4348 of 2005

Petitioner : Lalit Narayan Sharma
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4381 of 2005

Petitioner : Parsadi Ram Sahu
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4383 of 2005

Petitioner : Tula Ram Sahu
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4388 of 2005

Petitioner : Kamal Narayan Dewangan
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4417 of 2005

Petitioner : Ishwarlal Yadaw
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4459 of 2005

Petitioner : Jiwan Lal Madriya
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4481 of 2005

Petitioner : Smt. Kamala Bai Chandraker
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4570 of 2005

Petitioner : Smt. Kanak Lata Sharma
Versus
Respondents : The State Govt. of Chhattisgarh & another

(40)

W. P.(S)No. 4593 of 2005

Petitioner : Shyam Lal Taram

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4594 of 2005

Petitioner : Jagram Singh Dewangan

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4595 of 2005

Petitioner : Aslam Khan

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4596 of 2005

Petitioner : Saroj Singh Rajpoot

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4616 of 2005

Petitioner : Smt. Kiran Soni

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4617 of 2005

Petitioner : Narendra Kumar Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4649 of 2005

Petitioner : Ramakant Shrivastava

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4660 of 2005

Petitioner : Chait Ram Gharendra

Versus

Respondents : The State Govt. of Chhattisgarh & another

(41)

W. P.(S)No. 4661 of 2005

Petitioner : Toran Singh Nishad

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4662 of 2005

Petitioner : Ramesh Kumar Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4664 of 2005

Petitioner : Toran Lal Chandarwanshi

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4666 of 2005

Petitioner : Vijay Kumaran Iyer

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4669 of 2005

Petitioner : Mahendra Kumar Namdeo

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4670 of 2005

Petitioner : Ravikant Verma

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4672 of 2005

Petitioner : Mangatu Ram Vaman

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4688 of 2005

Petitioner : Ram ji Yadaw

Versus

Respondents : The State Govt. of Chhattisgarh & another

42

W. P.(S)No. 4691 of 2005

Petitioner : Dileep Kumar Thakur

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4694 of 2005

Petitioner : Dayaloo Ram Patel

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4722 of 2005

Petitioner : Munna Lal Sao

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4727 of 2005

Petitioner : Rajendra Singh Thakur

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4728 of 2005

Petitioner : Virendra Kumar vaishnav

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4733 of 2005

Petitioner : Bhim Rao Khobragarhe

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4742 of 2005

Petitioner : Ku. Shaji Anthony

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4743 of 2005

Petitioner : Smt. Anjana Sao

Versus

Respondents : The State Govt. of Chhattisgarh & another

43

W. P.(S)No. 4744 of 2005

Petitioner : Smt. Jaya Tolay

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4745 of 2005

Petitioner : Shri Somen Kundu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4746 of 2005

Petitioner : Smt. Manju Shukla

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4747 of 2005

Petitioner : Shri J.P. Shyam

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4748 of 2005

Petitioner : Smt. Vaidehi Chourasia

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4749 of 2005

Petitioner : Saji Baby

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4755 of 2005

Petitioner : KangluRam Mandavi

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4760 of 2005

Petitioner : Ram Kumar Mandavi

Versus

Respondents : The State Govt. of Chhattisgarh & another

(14)

W. P.(S)No. 4782 of 2005

Petitioner : Priy Ram Bhuaary
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4798 of 2005

Petitioner : Dewarika Sahu
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4809 of 2005

Petitioner : Ashok Kumar Alha
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4849 of 2005

Petitioner : Smt. Tarun Verma
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4864 of 2005

Petitioner : Dhanwa Ram Sahu
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 4865 of 2005

Petitioner : Darshan Lal Sahu
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 5012 of 2005

Petitioner : Smt. Kusum Verma
Versus
Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 5147 of 2005

Petitioner : Sukhram Sahu
Versus
Respondents : The State Govt. of Chhattisgarh & another

(45)

W. P.(S)No. 5157 of 2005

Petitioner : Mohit Ram Margiya

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 5159 of 2005

Petitioner : Prem Singh Ratre

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 5160 of 2005

Petitioner : Manthir Ram Bhandari

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 5161 of 2005

Petitioner : Mansukh Das Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P.(S)No. 5162 of 2005

Petitioner : Manoo Ram Pisda

Versus

Respondents : The State Govt. of Chhattisgarh & another

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the Petitioners.
Shri V.V.S. Moorthy, Dy. Advocate General with Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER

(11th October, 2006)

1. Learned counsel appearing for the petitioners submits that while working as Assistant Teachers/Upper Division Teachers, the petitioners have gone on training to improve their

qualifications on their own expenses and acquired B. Ed./B.T.I Examination Certificate.

2. The present writ petitions, being W.P. Nos. 2812/2006, 2814/2006, 2815/2006, W.P.(S) Nos. 3361/2005, 3505/2005, 3873/2005, 4146/2005, 4158/2005, 4163/2005, 4165/2005, 4178/2005, 4209/2005, 4306/2005, 4333/2005, 4335/2005, 4337/2005, 4348/2005, 4381/2005, 4383/2005, 4388/2005, 4417/2005, 4459/2005, 4481/2005, 4570/2005, 4593/2005, 4594/2005, 4595/2005, 4596/2005, 4616/2005, 4617/2005, 4649/2005, 4660/2005, 4661/2005, 4662/2005, 4664/2005, 4666/2005, 4669/2005, 4670/2005, 4672/2005, 4688/2005, 4691/2005, 4694/2005, 4722/2005, 4727/2005, 4728/2005, 4733/2005, 4742/2005, 4743/2005, 4744/2005, 4745/2005, 4746/2005, 4747/2005, 4748/2005, 4749/2005, 4755/2005, 4760/2005, 4782/2005, 4798/2005, 4809/2005, 4849/2005, 4864/2005, 4865/2005, 5012/2005, 5147/2005, 5157/2005, 5159/2005, 5160/2005, 5161/2005 and 5162/2005 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006

(II) MPJR-CG 96). This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination Certificate on his own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioners further submits that the facts and question of law involved in the present cases are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

5. Accordingly, the writ petitions are allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificate on their own expenses or not. No order as to costs.

6. A copy of this order be placed on record of other connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Subhash